

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**UNITED STATES OF AMERICA,**

**VS.**

**CRIMINAL ACTION NO. 4:07CR190-P-S**

**JULIUS LEE MCCULLUM,**

**DEFENDANT**

**ORDER CONTINUING TRIAL**

This matter comes before the court upon Defendant's Motion to Continue [14]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for June 29, 2009. Defense counsel requests a continuance to afford more time for investigation. The Government has no objection to the continuance.

In his motion, the defendant also states that he waives his right to a speedy trial. However, pursuant to *Zadner v. United States*, 126 S.Ct. 1976, 1985 (2006), rights under the Speedy Trial Act cannot be waived.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(7)(A), the period of delay from June 29, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

**IT IS THEREFORE ORDERED AND ADJUDGED that:**

- (1) Defendant's Motion to Continue [14] is **GRANTED**;
- (2) Trial of this matter is continued until Monday, August 3, 2009 at 9:00 a.m. in the United

States Courthouse in Greenville, Mississippi;

(3) The delay from June 29, 2009 to August 3, 2009 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is July 13, 2009; and

(5) The deadline for submitting a plea agreement is July 20, 2009.

**SO ORDERED** this the 15<sup>th</sup> day of June, A.D., 2009.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE